IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 9487 of 2006(D)

PETITIONERS:

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1. **DR.LIZA JACOB, LECTURER,**
   DEPARTMENT OF BOTANY,
   ST.TERESA'S COLLEGE, ERNAKULAM.

2. **DR.LAIJA S. NAIR, LECTURER, DEPARTMENT**
   OF BOTANY, ST.TERESA;S COLLEGE, ERNAKULAM.

3. **DR. TANIA FRANCIS, LECTURER**
   DEPARTMENT OF CHEMISTRY, ST.TERESA'S COLLEGE,
   ERNAKULAM.

4. **DR. USHAMANI. M., LECTURER,**
   DEPARTMENT OF CHEMISTRY, ST.TERESA'S COLLEGE,
   ERNAKULAM.

5. **DR. JAYA T. VARKEY,**
   LECTURER, DEPARTMENT OF CHEMISTRY,
   ST.TERESA'S COLLEGE, ERNAKULAM.

6. **DR. ANU GOPINATH, LECTURER,**
   DEPARTMENT OF CHEMISTRY, ST. TERESA'S COLLEGE,
   ERNAKULAM.

7. **MS. PARVATHY P., LECTURER,**
   DEPARTMENT OF ECONOMICS,
   ST.TERESA'S COLLEGE, ERNAKULAM.

8. **MS. MARY ABRAHAM, LECTURER,**
   DEPARTMENT OF ECONOMICS, ST.TERESA'S
   COLLEGE, ERNAKULAM.

9. **MS. THUSHARA GEORGE, LECTURER,**
   DEPARTMENT OF ECONOMICS,
   ST.TERESA'S COLLEGE, ERNAKULAM.

10. **MRS. VINITHA T. THARAKAN,**
    LECTURER, DEPARTMENT OF HISTORY,
    ST.TERESA'S COLLEGE, ERNAKULAM.

11. MRS. SHILPA JOSE, LECTURER
DEPARTMENT OF HOME SCIENCE,
ST.TERESA'S COLLEGE, ERNAKULAM.

12. MS.DHANYA N., LECTURER,
DEPARTMENT OF HOME SCIENCE,
ST.TERESA'S COLLEGE, ERNAKULAM.

13. MRS. AVELINE JOAN MEYN,
LECTURER, DEPARTMENT OF MATHEMATICS,
ST.TERESA'S COLLEGE, ERNAKULAM.

14. DR. MEERA JAN ABRAHAM,
LECTURER, DEPARTMENT OF ZOOLOGY,
ST.TERESA'S COLLEGE, ERNAKULAM.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION
THIRUVANANTHAPURAM.

3. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
ATHIRAMPUZHA P.O., KOTTAYAM.

* ADDL.R4 IMPLEADED

ADDL.4. THE MANAGER, CONGGREGATION OF LARMELITE SISTEM
OF ST.TERESA'S ERNAKULAM.

* ADDL. R4 IS IMPLEADED AS PER ORDER IN IA. 5234/06 DT.3.4.06.

BY ADV. SRI.M.V.THAMBAN
GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 9487/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ADALATH REVIEW STATEMENT DT.16.10.03.

EXT.P2:- COPY OF THE JUDGMENT DT.28.7.04 IN WP(C) NO.22237/04.

EXT.P3:- COPY OF THE LETTER NO.259/05 DT.26.3.05 FORWARDED BY THE PRINCIPAL, ST.TERESA'S COLLEGE , ERNAKULAM TO THE 3RD RESPONDENT.

EXT.P4:- COPY OF THE REPRESENTATION FILED BY THE PETITIONERS TO THE 3RD RESPONDENT DT.2.11.05.

EXT.P5:- COPY OF THE COMMUNICATION NO.B.144339/95 DT.19.12.05 RECEIVED BY THE PRINCIPAL ST.TERESA'S COLLEGE, ERNAKULAM DT.28.12.05.

EXT.P6:- COPY OF THE LETTER NO.24407/D1/04/H,.EDN. DT.3.9.04 ISSUED BY THE 1ST RESPONDENT TO THE PRINCIPAL ST.TERESA'S COLLEGE, ERNAKULAM.

EXT.P7:- COPY OF THE NOTIFICATION NO.59/LDG. UNI.3/05/LAW DT.9.3.05.

EXT.P8:- COPY OF THE REPRESENTATION FILED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT DT.22.3.06.

EXT.P9:- COPY OF THE LETTER NO.259/05 DT.26.3.05 WRITTEN BY THE PRINCIPAL ST.TERESA'S COLLEGE, ERNAKULAM TO THE 3RD RESPONDENT

EXT.P10:- COPY OF THE ORDER NO.D3-16784/05/COLL. EDN. DT.25.11.05 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS EXHIBITS

EXT.R3(a):- COPY OF THE CIRCULAR NO.P.A.1(3) /100912/04 OF THE DIRECTOR OF COLLEGIATE EDUCATIO, TRIVANDRUM.DT.19.3.04

EXT.R3(b):- COPY OF THE CIRCULAR NO.28415/B2/2005/H.EDN. OF THE GOVERNMENT, DT. 19.10.05.

/TRUE COPY/

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KURIAN JOSEPH, J.

W.P. (C) No.9487 of 2006

Dated this the 16th day of March, 2007.

JUDGMENT

Writ petition is filed mainly for the following reliefs:

> i) to issue a writ of mandamus or order or direction to the first respondent to consider and pass appropriate orders on Ext.P8 representation filed by the petitioners as expeditiously as possible and at any rate within a time limit that may be fixed by this Hon'ble Court;
>
> ii) to issue a writ of mandamus or order direction to the 3rd respondent University to approve the appointments of the petitioners as Lecturers at St.Teresa's College, Ernakulam with effect from the date of their appointments if necessary by obtaining permission from the Government;
>
> iii) to issue a writ of mandamus or order or direction to the first respondent to give necessary permission to the 3rd respondent University for approving the appointment of the petitioners as Lecturers of St.Teresa's College, Ernakulam."

2. Learned counsel for the petitioners submits that the Government has now passed an order dated 8.3.2007 approving the appointment of 13 Lecturers. However, it is stated that the appointment is to take effect only from the date of the order. According to the petitioners, they are entitled to have the appointments approved with effect from the date of

appointments. Learned counsel for the petitioners submits that since the Government has already passed orders, the surviving grievance is only with regard to the claim for retrospective approval with effect from the date of respective appointments. It is also submitted that liberty may be reserved to independently pursue that grievance.

Therefore, this writ petition is disposed of directing the second respondent to pass the required orders in the light of the Government order referred to above within a period of two weeks from the date of production of a copy of this judgment. Thereafter the second respondent/the Deputy Director of Collegiate Education will take steps to disburse the consequential benefits to the concerned petitioners within another one month. It is made clear that this judgment will not stand in the way of the petitioners who are aggrieved by the denial of approval of appointment prior to the Government order pursuing their grievance in appropriate proceedings and to that extent the contentions are left open.

KURIAN JOSEPH, JUDGE

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